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| APPLICATION NO.                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/563,160                       | 01/04/2006  | Sho Tanaka           | SON-3333            | 8401             |
| 23353                            | 7590        | 11/14/2008           |                     |                  |
| RADER FISHMAN & GRAUER PLLC      |             |                      | EXAMINER            |                  |
| LION BUILDING                    |             |                      | VIRANY, LESLIE R    |                  |
| 1233 20TH STREET N.W., SUITE 501 |             |                      |                     |                  |
| WASHINGTON, DC 20036             |             |                      | ART UNIT            | PAPER NUMBER     |
|                                  |             |                      | 2622                |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/563,160

**Applicant(s)**

TANAKA ET AL.

**Examiner**

LESLIE VIRANY

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 02/12/2007, 01/04/2006

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 14 & 15 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 16 defines a program, capable of being executed, embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason. (i.e. "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV) That is, the scope of the presently claimed program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. Any amendment to the claim should be commensurate with its corresponding disclosure.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 5, 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto (US 20040179122) in view of Ono et al.(US 6771877)

Regarding claim 1, Morimoto teaches a picture display controlling apparatus [Fig. 3, element 50] comprising: data holding means for holding a plurality of picture data items; [Fig. 3, element 90]

Morimoto further teaches; from any of picture groups obtained by sorting said picture data items; [Fig. 7, step ST30, note also in Fig. 4 that provision is made for up to 10,000 albums] operation inputting means for accepting an operation input for designating any of said picture groups or any of the picture data items in the designated picture group; [Fig. 2, element 8] and display controlling means for exercising control such as to display the designated picture group or the designated picture data item in said designated picture group; [Fig. 2, elements 7a-7d] wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, [0109 note image displayed in each picture group is image most recently registered in that group] while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.

Morimoto does not explicitly teach a resume pointer means as claimed.

However Ono teaches resume pointer holding means for holding as a picture resume pointer the location of the picture data item most recently displayed [col.4, lines 19-24]

It would have been obvious to one having ordinary skill in the art to have included the resume pointer holding means of Ono in the image sensor of Morimoto in order to provide timely and readily-available re-starting points for additive image sorting, as explicitly taught by Ono,, in the picture display controlling apparatus of Morimoto.

Claim 10 is directed to the limitations of claim 1 wherein such limitations are applied to picture data items rather than pictures or picture groups. Furthermore the limitations are directed to a display device rather than a display controller. As such the limitations of claim 10 are met as discussed above in connection with claim 1.

Claims 2-4, 6-9 & 11-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Ono in further view of Parulski (US 20040201752)

Regarding claims 2, 6 & 11, Morimoto in view of Ono teaches a picture display controlling apparatus according to claim 1, but does not explicitly disclose operation inputting means with item-by-item picture data switching as claimed.

However Parulski teaches wherein said operation inputting means comprises picture data switching operation inputting means for accepting an operation input for switching said picture data items on an item by item basis; and [Fig. 4, element 360] wherein, if said operation input accepted by said picture data switching operation inputting means designates transition beyond the picture data item at one end of a picture data item array constituting a given picture group, then said display controlling

means displays anew the picture data item at the other end of the array forming the picture group in question. [0078, lines 7 – 10, note automatic cycling]

Regarding claims 3, 7, 8, 12 & 13, Parulski further teaches wherein said operation inputting means comprises picture data switching operation inputting means for accepting an operation input for switching said picture data items on an item by item basis; Parulski (US 7369164) [Fig. 4, element 360] and wherein, if said operation input accepted by said picture data switching operation inputting means designates transition from the picture data item at one end of a picture data item array in said first picture group to said second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while displaying anew the picture data item at one end of a picture data item array constituting said second picture group. [0078, lines 7 - 10]

Regarding claims 4, 9 & 14, Parulski further teaches . limitations as discussed above in connection with claim 3 and further teaches wherein said picture groups are sorted by picture-taking information about said picture data items. [Fig. 3A, element 114]

It would have been obvious to one having ordinary skill in the art to have included the operation inputting means with item-by-item picture data switching of Parulski in the image sensor of Morimoto in view of Ono in order to enable user-friendly management of a large number of images, grouped by theme and permitting unscheduled additions,

as explicitly taught by Parulski, in the sensor correction processor of Morimoto in view of Ono.

Claim 5, 10 & 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Ono in further view of Stavely (US 20030086012)

Claim 5 is directed to the limitations of claim 1 wherein such limitations are applied to picture group arrays rather than picture groups. Morimoto teaches the limitations of claim 1 as discussed above but fails to disclose that the disclosed actions may be applied to picture group arrays. However Stavely teaches [Fig. 3a, Fig. 4] browsing and editing of an array of picture groups.

It would have been obvious to one having ordinary skill in the art to have included the editing of an array of picture groups of Stavely in the image sensor of Morimoto in view of Ono in order to enable user-friendly management of a large number of images, grouped two-dimensionally by theme and permitting unscheduled additions, as explicitly taught by Stavely, in the sensor correction processor of Morimoto in view of Ono.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE VIRANY whose telephone number is (571)270-5893. The examiner can normally be reached on M-Th 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LV

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622